

**SURFACE TRANSPORTATION BOARD  
OFFICE OF ENVIRONMENTAL ANALYSIS**

**FINAL ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 6 (Sub-No. 477X)

August 30, 2011

**ABANDONMENT TYPE**

The time for comments on the Environmental Assessment (EA) has expired in this:

☐ Notice of Exemption ☒ Petition for Exemption ☐ Regulated Abandonment

☐ **NO NEW COMMENTS WERE RECEIVED**

☒ **NEW COMMENTS WERE RECEIVED**

OEA served an Environmental Assessment (EA) for this proceeding on July 29, 2011 for public review and comment. In the EA, we recommended 3 environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

**Comments on the EA**

OEA received 1 comment from the U.S. Fish and Wildlife Service (USFWS) after issuance of the EA. Because no site-specific information currently exists regarding federally listed threatened or endangered species that may be present in the project area, USFWS has recommended that a qualified biologist conduct an assessment to determine whether salvage activities would be likely to adversely affect any federally listed threatened or endangered species that may occur in the vicinity of the line. If federally listed threatened and endangered species do not occur in the project area, no further consultation or action would be necessary. However, if any federally listed threatened or endangered species are found in the project area, OEA will initiate consultations with USFWS, pursuant to Section 7 of the Endangered Species Act, to determine whether the proposed rail line abandonment is likely to adversely affect the species and, if so, to identify appropriate mitigation measures.

USFWS has also recommended that the railroad consult with the California Department of Fish and Game to determine whether State listed or other sensitive species may occur in the area of potential impacts. Accordingly, to address USFWS' concerns regarding threatened and endangered species, we are recommending the following new conditions:

**Pursuant to Section 7 of the Endangered Species Act, BNSF Railway Company (BNSF) shall, prior to commencement of salvage activities, retain a qualified biologist to conduct an assessment of potential impacts from salvaging activities to federally listed threatened and endangered species that may occur in the vicinity of the line. BNSF shall report the results of this assessment in writing to the Board's Office of Environmental Analysis (OEA). If any federally threatened or endangered species are found in the project area, OEA shall initiate Section 7 consultations with the U.S. Fish and Wildlife Service to determine whether the proposed rail line abandonment is likely to adversely affect the species and, if so, to develop appropriate mitigation measures. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until all issues regarding federally threatened and endangered species are addressed and the Board has removed this condition.**

**Prior to commencement of any salvage activities, BNSF Railway Company (BNSF) shall consult with the California Department of Fish and Game regarding the abandonment's potential impacts to State listed or other sensitive species and, if applicable, comply with any reasonable requirements. BNSF shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.**

### **Conclusions**

The EA comment period has ended. Accordingly, OEA recommends that the conditions recommended in the EA, as well as the additional conditions recommended in this document, be imposed upon any decision granting abandonment authority. The combined conditions are:

1. BNSF Railway Company shall ensure that best management practices during are followed during salvage activities to prevent erosion.
2. Prior to commencement of any salvage activities, BNSF Railway Company (BNSF) shall consult with the U.S. Army Corps of Engineers (Corps) regarding the abandonment's potential impacts to the San Gabriel River and, if applicable, comply with any reasonable requirements. BNSF shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.
3. BNSF Railway Company (BNSF) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right of way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. BNSF shall report back to the Board's Office of Environmental Analysis (OEA) regarding any consultations with the California Office of Historic Preservation (the State Historic Preservation Office or SHPO) and the public. BNSF may not file its consummation notice and salvage activities related to abandonment (including removal of tracks and ties) may not be initiated until the Section 106 process has been completed and the Board

has removed this condition.

4. Pursuant to Section 7 of the Endangered Species Act, BNSF Railway Company (BNSF) shall, prior to commencement of salvage activities, retain a qualified biologist to conduct an assessment of potential impacts from salvaging activities to federally listed threatened and endangered species that may occur in the vicinity of the line. BNSF shall report the results of this assessment in writing to the Board's Office of Environmental Analysis (OEA). If any federally threatened or endangered species are found in the project area, OEA shall initiate Section 7 consultations with the U.S. Fish and Wildlife Service to determine whether the proposed rail line abandonment is likely to adversely affect the species and, if so, to develop appropriate mitigation measures. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until all issues regarding federally threatened and endangered species are addressed and the Board has removed this condition.
5. Prior to commencement of any salvage activities, BNSF Railway Company (BNSF) shall consult with the California Department of Fish and Game regarding the abandonment's potential impacts to State listed or other sensitive species and, if applicable, comply with any reasonable requirements. BNSF shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

OEA CONTACT: Christa Dean 245-0299

E1-18669<sup>CD</sup>



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services

Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011



In Reply Refer To:  
FWS-LA-11B0325-11SL0492

JUL 27 2011

John A. Sims, CP  
BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828

**Subject:** Request for Species List of Endangered and Threatened Species in the Vicinity of the BNSF Railway Abandonment Project, Los Angeles County, California

Dear Mr. Sims:

This letter is in response to your letter request received May 9, 2011, for a list of federally endangered, threatened, proposed, and candidate species and their critical habitat potentially present in the vicinity of the BNSF Railway Abandonment Project in the cities of Arcadia and Irwindale, Los Angeles County, California. We understand that this information will be used in support of documentation required by the Department of Transportation, Surface Transportation Board. To assist you in evaluating the potential occurrence of federally listed endangered, threatened, proposed, and candidate species that may occur in the vicinity of the area identified, we are providing the enclosed list.

Section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires Federal agencies to consult with us, the U.S. Fish and Wildlife Service, should it be determined that their actions may affect federally listed threatened or endangered species. Section 9 of the Act prohibits the "take" (e.g., harm, harassment, pursuit, injury, kill) of federally listed wildlife. "Harm" is further defined to include habitat modification or degradation where it kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering. Take incidental to otherwise lawful activities can be authorized under sections 7 (Federal consultations) and 10 (habitat conservation plans) of the Act for non-Federal activities.

We do not have on-the-ground site-specific information for this area. Therefore, we recommend that an assessment of the actual potential for direct, indirect, and cumulative impacts likely to result from the proposed study be conducted by a biologist directly familiar with the habitat conditions and associated species in and around the study area.

We suggest that you contact the California Department of Fish and Game for State-listed and other sensitive species that may occur in the area of the anticipated project(s). State-listed species are protected under the provisions of the California Endangered Species Act. Rare plant

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species that may occur in the project area are included in the California Native Plant Society's (CNPS) inventory of rare and endangered vascular plants in California.

Should you have any questions regarding the species list provided, or your responsibilities under the Act, please contact Fish and Wildlife Biologist Christine Medak of this office at (760) 431-9440, extension 298.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Snyder".

 Karen A. Goebel  
Assistant Field Supervisor

Enclosure

**Federally Endangered, Threatened, Proposed, and Candidate Species that May Occur  
in the Cities of Arcadia and Irwindale, Los Angeles County, California**

**July 22, 2011**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Federal Status<sup>1</sup></b>
<b><u>Birds</u></b>		
southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	endangered, CH
coastal California gnatcatcher	<i>Poliopitila californica californica</i>	threatened, CH
yellow-billed cuckoo	<i>Coccyzus americanus</i>	candidate
least Bell's vireo	<i>Vireo bellii pusillus</i>	endangered, CH
<b><u>Mammals</u></b>		
Pacific pocket mouse	<i>Perognathus longimembris pacificus</i>	endangered
<b><u>Plants</u></b>		
Braunton's milk-vetch	<i>Astragalus brauntonii</i>	endangered, CH
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	threatened, CH
Nevin's barberry	<i>Berberis nevinii</i>	endangered, CH
San Fernando Valley spineflower	<i>Chorzanthe parryi</i> var. <i>fernandina</i>	candidate
Slender-horned spineflower	<i>Dodecahema leptoceras</i>	endangered
Santa Monica Mountains dudleya	<i>Dudleya symosa</i> ssp. <i>ovatifolia</i>	threatened
California orcutt grass	<i>Orcuttia californica</i>	endangered
Spreading navarretia	<i>Navarretia fossalis</i>	threatened, CH
Lyon's pentachaeta	<i>Pentachaeta lyonii</i>	endangered
Brand's phacelia	<i>Phacelia stellaris</i>	candidate
Gambel's watercress	<i>Rorippa gambellii</i>	endangered

<sup>1</sup> CH – designated Critical Habitat